

## DOCKET SECTION

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268

PRESIDING OFFICER'S  
RULING NO. R97-1/57

Postal Rate and Fee Changes

Docket No. R97-1

### PRESIDING OFFICER'S RULING GRANTING MOTIONS FOR LATE ACCEPTANCE

(November 7, 1997)

The Postal Service filed several motions for late acceptance of responses to interrogatories directed to the Postal Service as an institution.<sup>1</sup> A number of these requests apply to responses that have been delayed a significant length of time. No participant has opposed these motions or requested procedural relief as a result of these delays. I will grant these motions.

In the case of the interrogatories Advo submitted October 10, 1997, MPA submitted September 16, 1997, McGraw-Hill submitted October 10, 1997, and UPS submitted October 7, 1997, the late responses were occasioned by the need to coordinate with various offices and the unavailability of personnel required.

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<sup>1</sup> Response of United States Postal Service to Interrogatory of Advo, Inc. and Motion for its Late Acceptance (ADVO/USPS-20), filed November 3, 1997; Motion of United States Postal Service for Late Acceptance of Its Response to Interrogatory of the Magazine Publishers of America (MPA/USPS-1), filed October 21, 1997; Motion of United States Postal Service for Late Acceptance of Responses to Interrogatories of McGraw-Hill Companies (MH/USPS-1 and 2), filed October 28, 1997; Motion for Late Acceptance of United States Postal Service Responses to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-44-53, 64-68, 70), filed October 24, 1997; Response of United States Postal Service to Interrogatories of United Parcel Service (UPS/USPS-41 and UPS/USPS-T16-41 & 42 Redirected from Witness Hatfield) and Motion for Late Acceptance of Response to UPS/USPS-41, filed October 23, 1997; and Motion for Late Acceptance of and Response of United States Postal Service to Interrogatories of United Parcel Service (UPS/USP-16-17), filed October 28, 1997.

In its motion the Postal Service indicates that the OCA interrogatories, filed September 12, 1997, were received in a timely fashion, but that a breakdown in distribution resulted in personnel being unaware of their existence. Upon receipt of an inquiry from OCA, the Postal Service worked to complete the responses as quickly as possible and filed the responses on October 24.

Interrogatories UPS/USPS-16-17 were filed on August 20, 1997. The Postal Service responses were filed on October 28, 1997, with a motion for late acceptance. The Service states that it was unaware that the responses had not been filed until contacted by UPS counsel.

Additionally, the Postal Service has filed four motions for late acceptance of responses to interrogatories directed to several Postal Service witnesses.<sup>2</sup> The NNA interrogatories directed to witness Moden and witness Seckar were filed on September 17, 1997. The Postal Service states that it was unaware of these interrogatories until contacted by NNA counsel.

A response to MMA/USPS-T25-1(C) was provided on October 21, 1997, four business days out of time. The Postal Service indicates that the closing of Postal Service headquarters on the weekend before the responses were due, and ongoing hearings precluded these responses being filed in a timely fashion.

OCA interrogatory OCA/USPS-T32-76 was filed September 2, 1997. The interrogatory was directed to witness Fronk, but the Postal Service states that the interrogatory is not directly related to his testimony. Witness Fronk contacted personnel who he believed could provide a response, or lead him to responsive information. *Ultimately, witness Fronk was able to provide the response. In the case of the*

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<sup>2</sup> Motion for Late Acceptance of and Response of United States Postal Service Witness Moden to Interrogatories of the National Newspaper Association (NNA/USPS-T4-7-8), filed October 28, 1997; Response of United States Postal Service to Interrogatory of Major Mailers Association Redirected from Witness Hatfield and Motion for Late Acceptance (MMA/USPS-T25-1(C)), filed October 21, 1997; Motion of United States Postal Service for Late Acceptance of Responses to Interrogatories of the National Newspaper Association Redirected from Witness Seckar (NNA/USPS-T26-1-7), filed October 29, 1997; and Motion of the United States Postal Service for Late Acceptance of Response to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T32-76), filed October 27, 1997.

response to 76(b), consistent with the Postal Service's September 12<sup>th</sup> objection, certain information has been redacted.

The Postal Service filed its reply to portions of a David Popkin motion to compel three days out of time, accompanied by a motion for late acceptance.<sup>3</sup> I have already ruled on Mr. Popkin's motion and will grant the Postal Service's motion for late acceptance of that reply.

### RULING

1. The Response of United States Postal Service to Interrogatory of Advo, Inc. and Motion for its Late Acceptance (ADVO/USPS-20), filed November 3, 1997, is granted.

2. The Motion of United States Postal Service for Late Acceptance of Its Response to Interrogatory of the Magazine Publishers of America (MPA/USPS-1), filed October 21, 1997, is granted.

3. The Motion of United States Postal Service for Late Acceptance of Responses to Interrogatories of McGraw-Hill Companies (MH/USPS-1 and 2), filed October 28, 1997, is granted.

4. The Motion for Late Acceptance of United States Postal Service Responses to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-44-53, 64-68, 70), filed October 24, 1997, is granted.

5. The Response of United States Postal Service to Interrogatories of United Parcel Service (UPS/USPS-41 and UPS/USPS-T16-41 & 42 Redirected from Witness Hatfield) and Motion for Late Acceptance of Response to UPS/USPS-41, filed October 23, 1997, is granted.

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<sup>3</sup> Motion for Late Acceptance of the Reply of the United States Postal Service to Parts of David Popkin Motion to Compel Responses to Interrogatories, filed October 17, 1997.

6. The Motion for Late Acceptance of and Response of United States Postal Service to Interrogatories of United Parcel Service (UPS/USP-16-17), filed October 28, 1997, is granted.

7. The Motion for Late Acceptance of and Response of United States Postal Service Witness Moden to Interrogatories of the National Newspaper Association (NNA/USPS-T4-7-8), filed October 28, 1997, is granted.

8. The Response of United States Postal Service to Interrogatory of Major Mailers Association Redirected form Witness Hatfield and Motion for Late Acceptance (MMA/USPS-T25-1(C)), filed October 21, 1997, is granted.

9. The Motion of United States Postal Service for Late Acceptance of Responses to Interrogatories of the National Newspaper Association Redirected from Witness Seckar (NNA/USPS-T26-1-7), filed October 29, 1997, is granted.

10. The Motion of the United States Postal Service for Late Acceptance of Response to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T32-76), filed October 27, 1997, is granted.

11. The Motion for Late Acceptance of the Reply of the United States Postal Service to Parts of David Popkin Motion to Compel Responses to Interrogatories, filed October 17, 1997, is granted.

A handwritten signature in black ink, appearing to read 'Edward J. Gleiman', with a long horizontal flourish extending to the right.

Edward J. Gleiman  
Presiding Officer